

HOUSE BILL REPORT

HB 2171

As Reported by House Committee On:
Local Government

Title: An act relating to allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130.

Brief Description: Allowing counties and cities one additional year to comply with the requirements of RCW 36.70A.130.

Sponsors: Representatives Springer, Simpson, Takko, Ericks and Clibborn.

Brief History:

Committee Activity:

Local Government: 2/28/05, 3/2/05 [DPS].

Brief Summary of Substitute Bill

- Allows certain counties and cities to satisfy the review and revision requirements of the Growth Management Act (GMA) one year after the applicable date provided in statute.
- Provides that the one-year extensions apply only to review and revision requirements that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.
- Allows counties and cities that are demonstrating substantial progress toward compliance with the review and revision requirements to receive certain financial assistance.
- Specifies that a county or city that is more than 12 months out of compliance with the review and revision requirements is deemed not to be making substantial progress towards compliance.
- Establishes the legislative task force on one-year review and revision compliance extensions (task force).
- Specifies provisions and requirements for the task force.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Simpson, Chair; Clibborn, Vice Chair; B. Sullivan, and Takko.

Minority Report: Do not pass. Signed by 3 members: Representatives Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; and Woods.

Staff: Ethan Moreno (786-7386).

Background:

Growth Management Act

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (GMA jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

The GMA jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. The GMA jurisdictions also must adopt development regulations that are consistent with and implement the comprehensive plan.

The adopted comprehensive plans and the corresponding development regulations are subject to continuing review and evaluation by the adopting county or city. The GMA jurisdictions must review and, if needed, revise their comprehensive plans and development regulations according to a cyclical seven-year statutory schedule. Jurisdictions that are not fully planning under the GMA must satisfy requirements pertaining to critical areas and natural resource lands according to this same schedule. The schedule is as follows:

- on or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;
- on or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;
- on or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and
- on or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

Only counties and cities in compliance with the statutory schedule may receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts established in the state treasury.

Summary of Substitute Bill:

Counties and cities required to satisfy the review and, if necessary, revision requirements of the GMA by December 1, 2005, December 1, 2006, and December 1, 2007, may complete the requirements one year after the applicable date. Jurisdictions exercising this extension option and complying with the review and revision requirements one year after the applicable date must be deemed in compliance with such requirements.

Only those counties and cities in compliance with the statutory review and revision schedules in the GMA and those counties and cities demonstrating substantial progress towards compliance with the schedules may receive grants, loans, pledges, or financial guarantees from the public works assistance and water quality accounts established in the state treasury. A county or city that is more than 12 months out of compliance with the schedules is deemed not to be making substantial progress towards compliance.

The task force on one-year review and revision compliance extensions is established (task force). The task force must consist of four members, as follows:

- one member from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House of Representatives; and
- one member from each of the two largest caucuses of the Senate, appointed by the President of the Senate.

The task force members must select a chair from among its membership, according to specified provisions.

The task force must consult with individuals from the public and private sectors and other interested parties, as may be appropriate, for technical advice and assistance and may ask such individuals to establish advisory committees or work groups that report to the task force. Those with whom the task force must consult include, but are not limited to, the following:

- representatives from cities;
- representatives from counties;
- representatives from the environmental community;
- representatives from the property rights community;
- representatives from the agricultural community;
- representatives from the building industry; and
- representatives from realtors.

The task force must review relevant statutes, legislation, rules, court decisions, and studies and make findings and recommendations regarding one-year compliance extensions to the review and revision requirements of the GMA.

The task force must report its findings and recommendations to the appropriate committees of the House of Representatives and the Senate by July 1, 2007, the expiration date for the task force.

Substitute Bill Compared to Original Bill:

Includes a provision allowing counties and cities demonstrating substantial progress towards compliance with the review and revision schedules of the GMA to receive for certain financial assistance. Provides that a county or city that is more than 12 months out of compliance with the review and revision schedules of the GMA is deemed not to be making substantial progress towards compliance. Includes provisions establishing the task force on one-year review and revision compliance extensions. Specifies membership and duties for the task force. Requires the task force to report its findings and recommendation to the Legislature by July 1, 2007, the expiration date for the task force. Includes intent language.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect on August 1, 2005.

Testimony For: (In support of original bill) The provisions of the bill that would allow jurisdictions to continue receiving financial assistance are very important. Support exists for an emergency clause to ensure that jurisdictions that may soon be out of compliance will remain eligible for financial assistance. The one-year extension would be welcomed by jurisdictions. The bill would be improved with more comprehensive provisions.

(With concerns on original bill) The financial provisions may provide needed relief for some jurisdictions, but the bill doesn't address several urgent issues, such as best available science. Support exists for the "good faith" concept as well as maintaining the seven-year revision schedule. The bill would benefit from tighter language.

Testimony Against: None.

Persons Testifying: (In support of original bill) Paul Parker, Washington State Association of Counties.

(With concerns on original bill) Genesee Adkins, Futurewise; and Dave Williams, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.